

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S Overbrook Road, 118' SE of * ZONING COMMISSIONER
the c/l of Beechwood Road
(1004 Overbrook Road) * OF BALTIMORE COUNTY
4th Election District
4th Councilmanic District * Case No. 93-113-A
Brian Scott Sibrea, et al
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance filed by the owners of the subject property, Brian S. Sibrea, and his father, John E. Sibrea. The Petitioners request relief from Sections 102.1, 1801.1A and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a garage addition with a height of 18.3 feet in lieu of the permitted 15 feet. Also requested is a similar variance for the existing garage, which at 15.3 feet in height, is slightly over the permitted limit of 15 feet. The relief sought is more particularly described on Petitioner's Exhibit 1, the plat to accompany the Petition for Zoning Variance.

Appearing on behalf of the Petitioners were John E. and Brian S. Sibrea, co-owners of the property. The Petitioners were represented by William M. Hesson, Jr., Esquire. Appearing as Protestants in the matter were Karl E. and Regina M. Niedermeyer, nearby residents of the area. Correspondence in opposition to the relief requested was also received from other property owners in the subject locale as well as the Idlewyde Community Association.

Testimony indicated that the subject property, known as 1004 Overbrook Road, consists of 7,200 sq.ft., zoned D.R. 5.5 and is improved with an existing dwelling and a detached garage. The Petitioners filed

the instant Petition as a result of a complaint filed with the Zoning Administration Office concerning an addition to the subject garage. Testimony indicated that the Petitioners commenced construction of a 20' x 18' addition to the existing garage in approximately June 1992 without benefit of a building permit. Upon receipt of the complaint filed, a Zoning Inspector and a Building Inspector visited the site and determined that both the existing garage and the proposed addition exceeded the height limitations of Section 400.3 of the B.C.Z.R.

John Sibrea testified that he is co-owner of the property with his son, Brian, who resides in the dwelling thereon. He testified that the existing garage has been on the property for many years, and existed prior to his acquisition of the property in 1989. Thus, the variance for the existing garage is necessary to legitimize a condition which has existed for many years. Testimony indicated that the proposed addition is needed in order to provide more storage space for household items and to accommodate their personal and antique automobiles. Mr. Sibrea testified that he and his son collect antique cars for investment purposes and that they currently store two on the property. One is a 1967 Mustang and the other is a Thunderbird which requires additional height clearance for a removable top. Mr. Sibrea also noted that the property is severely terraced; that the topography of the land is such that the subject lot is lower than the adjacent properties, as evidenced in photographs submitted and marked Petitioner's Exhibits 2A through 2G. This terraced topography reduces the visual impact of the height of the garage and addition. Testimony indicated that the proposed addition will have electric, but will not have sewer or water facilities, and will have no windows. The Petitioners testified that without the relief requested, they will not be able to use

- 2 -

the garage for storage purposes as intended. Brian Sibrea testified that he was unaware of any height limitations and did not know a building permit was necessary to add onto the existing structure. Thus, he explained, he started construction of the addition without a permit and apologized for his error.

Karl Niedermeyer testified in opposition to the relief requested. Mr. Niedermeyer believes that the construction of the proposed addition is inconsistent with the character of the surrounding residential community. He fears increased traffic congestion, a negative effect caused by this addition on property values in the community, and that the granting of this variance will establish a bad precedent. Mr. Niedermeyer testified that he believes the Petitioners conduct a commercial venture on the site and that any hardship is self-imposed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

- 3 -

It is to be particularly noted that the construction of the addition to the existing garage is permissible at law. That is, the variance requested only relates to the height of the existing garage and proposed addition, both of which are over the 15-foot height restriction. However, both the garage and its addition, in and of themselves, at a height of 15 feet or less, would be permitted as of right. The testimony and evidence presented by the petitioners was that the heights of the existing garage and proposed addition were necessary to accommodate the storage of antique vehicles and household items due to the lack of adequate storage space within the existing dwelling. This testimony provides sufficient evidence of practical difficulty to grant the variances. The objections of the community primarily relate to the structures themselves. As noted above, they are permissible under the regulations, but for the height limitation. Thus, much of the community's opposition is not relevant to the issue presented.

Notwithstanding my decision to grant the variances requested, I am appreciative of the community's concerns regarding the use of this property. Under the B.C.Z.R., I am permitted to impose certain restrictions with the grant of any variance to insure that the public welfare is not adversely affected. Thus, I shall impose certain restrictions relating to the use of this property to protect the public health, safety and general welfare.

After due consideration of all of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the structure which is the subject of this variance request and that the require-

- 4 -

ments from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of March, 1993 that the Petition for Zoning Variance requesting relief from Sections 102.1, 1801.1A and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a garage addition with a height of 18.3 feet in lieu of the permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) There shall be no commercial use of the subject garage and its addition. No commercial service garage work shall be performed on the premises and no office or similar use of the garage and its addition shall be permitted. Any work on the vehicles owned by the Petitioners shall be performed only between the hours

of 7:00 AM to 8:00 PM, Monday through Friday, and 9:00 AM to 9:00 PM on Saturdays and Sundays, so as to minimize noise and any adverse effects on adjoining property owners.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

5) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 10, 1993

William M. Hesson, Jr., Esquire
210 W. Pennsylvania Avenue, Suite 690
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
NE/S Overbrook Road, 118' SE of the c/l of Beechwood Road
(1004 Overbrook Road)
9th Election District - 4th Councilmanic District
Brian S. Sibrea, et al - Petitioners
Case No. 93-113-A

Dear Mr. Sibrea:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Karl E. Niedermeyer
6303 Banbury Road, Towson, Md. 21204

People's Counsel

file

Petition for Administrative Variance 93-113-A to the Zoning Commissioner of Baltimore County for the property located at 1004 Overbrook Road, Towson, Maryland 21204 which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 102.1, 1801.1A, 400.3 to permit an addition to an accessory building, a new addition to the garage to be approximately 18.3 feet in height, in lieu of the permitted (15 feet) (the existing structure is 15.7 feet)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. The proposed garage addition will be attached to the front of the existing garage, not to the rear, therefore, facing the residence and not the neighbor's property.
2. Although the new garage is 18.3 feet in height, it will be blend with the area because of the terracing and surrounding dwellings and accessory structures.

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
Type or Print Name
Signature
Address
City
State
Zip Code
Attorney for Petitioner
Type or Print Name
Signature
Address
City
State
Zip Code
Name
Address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address and phone number of legal owner, contract purchaser or representative to be contacted

A Public Hearing has been requested and/or held to be requested. It is ordered by the Zoning Commissioner of Baltimore County, this 10th day of March, 1993, that the petition be set for a public hearing, to be held at the Zoning Administration and Development Management office, at 400 Washington Avenue, Towson, Maryland 21204, on the 11th day of March, 1993, at 7:00 PM.

RECEIVED BY: JCM DATE: 10-1-92
ESTIMATED POSTING DATE: 10-15-92
ITEM #: 120

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: BRIAN SCOTT SIBREA AND JOHN E. SIBREA
Location: #1004 OVERBROOK ROAD
Item No.: *120 (JCM) Zoning Agenda: OCTOBER 13, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Planning Group
Special Inspection Division

JP/KER

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature _____ Date 10/19/92

| Project Name | Waiver Number | Zoning Issue | Meeting Date |
|------------------------------------|---------------|--------------|--------------|
| ✓ Satyr Limited Partnership | | 115 | 10-13-92 |
| DED DEPRM RP STP TE | | No Comment | |
| ✓ Wiseburg United Methodist Church | | 116 | |
| DED DEPRM RP STP TE | | No Comment | |
| ✓ First United Pentecostal Church | | 117 | |
| DED DEPRM RP STP TE | | No Comment | |
| ✓ Florence Wise Bruehl | | 119 | |
| DED DEPRM RP STP TE | | No Comment | |
| ✓ Brian Scott and John E. Sibrea | | 120 | |
| DED DEPRM RP STP TE | | No Comment | |

COUNT 5

FINAL TOTALS
COUNT 5

*** END OF REPORT ***

Rec'd
10/21/92

W

Department of Environmental Protection & Resource Management
Development Review Committee Response Form
Authorized signature _____ Date 10/20/92

| Project Name | Waiver Number | Zoning Issue | Meeting Date |
|------------------------------------|---------------|--------------|--------------|
| ✓ Satyr Limited Partnership | | 115 | 10-13-92 |
| DEPRM STP | | In process | |
| ✓ Wiseburg United Methodist Church | | 116 | |
| DEPRM STP | | In process | |
| ✓ First United Pentecostal Church | | 117 | |
| DEPRM STP | | No comments | |
| ✓ Florence Wise Bruehl | | 119 | |
| DEPRM | | In process | |
| ✓ Brian Scott and John E. Sibrea | | 120 | |
| DEPRM (93-113-A 11-7-92) | | No comments | |

COUNT 5

| | | |
|---|-----|----------------------|
| ✓ April L. and Wayne M. Rother | 118 | 10-19-92 NO COMMENTS |
| DED DEPRM RP STP TE | | In process |
| ✓ York Stevenson Limited Partnership | 121 | No comments |
| DEPRM RP STP TE | | In process |
| ✓ Cheryl Cronin | 122 | In process |
| DED DEPRM RP STP TE | | In process |
| ✓ Operating engineers Local No. 37 | 123 | In process |
| DED DEPRM RP STP TE | | In process |
| ✓ Baltimore Gas And Electric Company | 124 | In process |
| DED DEPRM RP STP TE | | In process |
| ✓ St Paul's Boy's and Girls school of St. Paul's Parish | 125 | In process |
| DED DEPRM RP STP TE | | In process |
| ✓ Melvin N. and Debbie G. Kramer | 126 | No comments |
| DED DEPRM RP STP TE | | In process |

Office of DIRECTOR OF ASSIGNMENT
Circuit Court For Anne Arundel County
Post Office Box 2395
Court House, Church Circle
Annapolis, Maryland 21404-2395
Phone: (410) 222-1422/1423
Washington 970-9250 x-1422

NOTICE OF HEARING / TRIAL Case number: 1-92-03617.10
Old Case number: CIVIL

CHRISTINE E. RICHTER vs. RICHARD F. RICHTER

STATE OF MARYLAND, ANNE ARUNDEL COUNTY, TO WIT:

at JOHN E. SIBREA, ESQ.
COURT TOWERS, STE. 690
210 W. PENNSYLVANIA AVE.
TOWSON MD 21204

You are hereby NOTIFIED TO APPEAR before the Judges of the:

CIRCUIT COURT
Anne Arundel County
Church Circle
Annapolis, MD 21404-0006
Court date:
16th day of DECEMBER, 1992
At: 09:30AM
HRS: RESET MERIT

LEASE NOTE: All counsel are expected to confer with each other with regard to the assigned trial date and to advise the court and other parties of any pre-existing conflict promptly.

Application for postponement must be made in writing with copies to all attorneys.

Please report Jury cases settled prior to 4:00 pm of day before trial to Assignment Clerk.

Please refer to Assignment Bulletin Board for Court Room Designation.

If pre-trial conference is required, please address a formal request to this office.

Very truly yours,

Barbara M. Hantske
Director of Assignment

ate Issued: 10/15/92



Zoning Enforcement

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: W. Carl Richards
Zoning Coordinator
DATE:
FROM: James H. Thompson - TLF
Zoning Enforcement Coordinator
RE: Item No. 120
Petitioner: John Ernest Sibrea
Brian Scott Sibrea

VIOLATION CASE NO.: C-92-2990
LOCATION OF VIOLATION: 1004 Overbrook Avenue
DEFENDANT John Ernest Sibrea
Brian Scott Sibrea
ADDRESS 1004 Overbrook Road
Baltimore, Maryland 21212

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

| NAME | ADDRESS |
|-----------------|---|
| Dorothy Pouring | 250 W. Pratt Street, Suite 900 Baltimore, Maryland 21201 |

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

JHT/TLF/cer

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOVEMBER 10, 1992

John E. Sibrea, Esq.
Sibrea & Bloom
210 W. Pennsylvania Avenue, Suite 690
Towson, Maryland 21204

Re: CASE NUMBER: 93-113-A

Dear Petitioners:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case.

As you recall, this matter must now go through the regular hearing process; the property must be reposted and notice of the hearing will be placed in the Jeffersonian newspaper. You will be billed for the reposting and advertising costs.

Formal notification of the hearing date will be forwarded to you shortly.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner
Baltimore County, Maryland

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

OCT. 8 1992

(410) 887-3353

Brian Sibrea and John Sibrea
1004 Overbrook Road
Towson, Maryland 21204

Re: CASE NUMBER: 93-113-A
LOCATION: NW/4 Overbrook Road, 118' SE of c/l Beachwood Road
1004 Overbrook Road
9th Election District - 4th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before October 25, 1992. The closing date is November 9, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner, Baltimore County

10-21-92
cc: John Sibrea / 210 W Penna Ave # 690 / Towson 21204
Dorothy Pouring / 250 W Pratt # 900 / Balto MD 21201

Printed on Recycled Paper

1006 OVERBROOK ROAD
BALTIMORE, MD. 21239
NOVEMBER 08, 1992

MR. LAWRENCE SCHMIDT, ZONING COMM.
111 W. CHESAPEAKE AVENUE
TOWSON, MD. 21204

RE: CASE #93-113-A

DEAR MR. SCHMIDT:

AS THE NEXT DOOR NEIGHBOR OF THE RESIDENT AT 1004 OVERBROOK ROAD, I FEEL COMPELLED TO RECORD MY OPPOSITION TO ANY FURTHER EXPANSION OF THE ALREADY TOO LARGE GARAGE LOCATED AT THE REAR OF THE PROPERTY.

THE BUILDING WAS ORIGINALLY A ONE-STORY STRUCTURE AND WAS USED TO GARAGE THE OWNERS PERSONAL VEHICLE. ACCORDING TO THE OCCUPANT, IT WILL NOW BE USED TO STORE A COLLECTION OF AUTOMOBILES AND ACCESSORY ITEMS. WHEN THE ORIGINAL BUILDING WAS ALTERED, THE DIMENSIONS WERE INCREASED AND A SECOND STORY WAS ADDED. THIS BUILDING ABUTS THE PROPERTY LINE IN MY BACK YARD, AND HAS NEVER BEEN FINISHED; CELOTEX IS STILL THE ONLY EXTERIOR COVER.

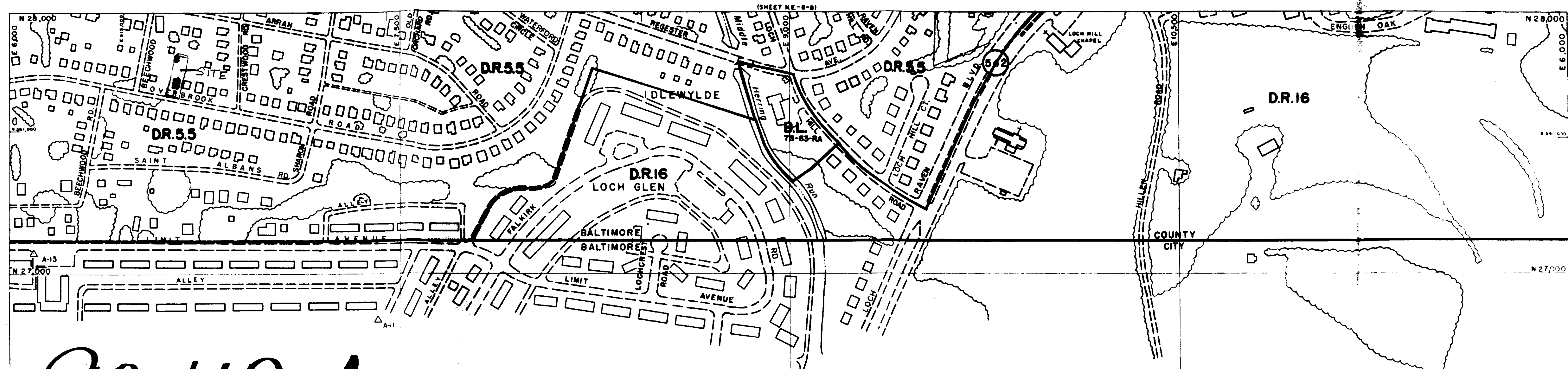
I CAN SEE NO NECESSITY TO INCREASE THE SIZE OF THIS STRUCTURE UNLESS IT IS TO BE USED FOR A PURPOSE OTHER THAN THAT STATED, (COMMERCIAL PERHAPS?) WHICH MAY REQUIRE FURTHER INSPECTION BY YOUR OFFICE. IT IS ALREADY LARGER THAN SIMILAR STRUCTURES IN THIS RESIDENTIAL AREA.

THANK YOU FOR CONSIDERING MY VERY REAL CONCERNS WITH REFERENCE TO THE PROPOSED VARIANCE ON THIS PROPERTY.

SINCERELY,

Anne B. Kelly
ANNE B. KELLY
OWNER/OCCUPANT AT 1006 OVERBROOK

RECEIVED
NOV 9 1992
ZONING OFFICE



93-113-A



Paul N. Glaudemans, President
Karl Niedermeyer, Vice President
Paul Biser, Treasurer

December 22, 1992

Baltimore County Office of Zoning Administration
and Development Management
111 West Chesapeake Ave.
Towson, MD 21204

To whom it may concern;

The Officers and Board members of the Idlewylde Community Association, Inc. recognize Karl Niedermeyer as our representative in CASE NUMBER 93-113-A (request for variance at 1004 Overbrook Road). As our Association is dedicated to the betterment and well being of our community, we respectfully request that the granting of any variances be carefully considered in their effect to the community as a whole.

Respectfully,

[Signature]
Paul N. Glaudemans
President

Protestant's No 1

*Protestant's
Exhibits 2A-2D
Case 93-113-A*



N-SW
N 24,000

1988 COMPREHENSIVE ZONING MAP
Adopted by Baltimore County Council
JANUARY 13, 1988
BY RES. 14466, 14467, 14468, 14469, 14470, 14471, 14472, 14473, 14474, 14475, 14476, 14477, 14478, 14479, 14480, 14481, 14482, 14483, 14484, 14485, 14486, 14487, 14488, 14489, 14490, 14491, 14492, 14493, 14494, 14495, 14496, 14497, 14498, 14499, 14500

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

| | |
|--------------------------------------|----------------------|
| LOCATION IDLEWYLDE HILLENDAL E | SHEET N.E. 7-B |
|--------------------------------------|----------------------|

NOVEMBER 27, 1992

NOTICE OF POSTPONEMENT

CASE NUMBER: 93-113-A
PETITIONER(S): Brian Scott Sibrea and John E. Sibrea
LOCATION: 1004 Overbrook Road

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON DECEMBER 16, 1992,
HAS BEEN POSTPONED AT THE REQUEST OF JOHN E. SIBREA, ATTORNEY FOR
PETITIONERS.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Arnold Jablon

Arnold Jablon
Director

cc: John and Brian Sibrea
Dorothy Pouring
Anne B. Kelly
Idlewyde Community Association, Inc.

AJ:ggg

DECEMBER 2, 1992

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 93-113-A
LEGAL OWNER: Brian Scott Sibrea and John E. Sibrea
LOCATION: 1004 Overbrook Road

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

THURSDAY, JANUARY 7, 1993 at 9:00 a.m.

IN THE BALTIMORE COUNTY COURTHOUSE, ROOM 119, 400 WASHINGTON AVENUE,
TOWSON, MARYLAND 21204.

Laurence E. Schadt

ZONING COMMISSIONER
BALTIMORE COUNTY

cc: John and Brian Sibrea
Dorothy Pouring
Anne B. Kelly
Idlewyde Community Association, Inc.

John E. Sibrea, Esquire
Sibrea & Bloom
210 W. Pennsylvania Avenue, Ste. 690
Towson, MD 21204

RE: Item No. 120, Case No. 93-113-A
Petitioner: Brian Scott Sibrea, et al
Petition for Administrative Variance

Dear Mr. Sibrea:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans
submitted with the above referenced petition. The attached comments
from each reviewing agency are not intended to indicate the
appropriateness of the zoning action requested, but to assure that all
parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are
made aware of plans or problems with regard to the proposed
improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC
that offer or request information on your petition. If additional
comments are received from other members of ZAC, I will forward them
to you. Otherwise, any comment that is not informative will be placed
in the hearing file. This petition was accepted for filing on the
date of the enclosed filing certificate and a hearing scheduled
accordingly.

The following comments are related only to the filing of future
zoning petitions and are aimed at expediting the petition filing
process with this office.

1) The Director of Zoning Administration and Development
Management has instituted a system whereby seasoned zoning
attorneys who feel that they are capable of filing petitions that
comply with all aspects of the zoning regulations and petitions
filing requirements can file their petitions with this office
without the necessity of a preliminary review by Zoning personnel.

Your petition has been received and accepted for filing this
1st day of October, 1992.

Arnold Jablon

ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Rebeck
Chairman,
Zoning Plans Advisory Committee

Petitioner: Brian Scott Sibrea, et al
Petitioner's Attorney: John E. Sibrea

DPW/Developers Engineering Division (Public Services) 10/19/92
Development Review Committee Response Form
Authorized signature *David Ramsey* Date *10/19/92*

| File Number | Project Name | Waiver Number | Zoning Issue | Meeting Date |
|---------------------|----------------------------------|---------------|--------------|--------------|
| DED DEPRM RP STP TE | Satyr Limited Partnership | 115 | 10-13-92 | Comment |
| DED DEPRM RP STP TE | Wiseburg United Methodist Church | 116 | | Comment |
| DED DEPRM RP STP TE | First United Pentecostal Church | 117 | | Comment |
| DED DEPRM RP STP TE | Florence Wise Bruhl | 119 | | NC |
| DED DEPRM RP STP TE | Brian Scott and John E. Sibrea | 120 | | NC |

COUNT 5
Stonegate at Patapsco (Azeal Property) 6-1-92
90476 ZON DED TE (Waiting for developer to submit plans first)

COUNT 1
FINAL TOTALS
COUNT 6
*** END OF REPORT ***

Rec'd 10/21/92

SHA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Re: Baltimore County
Item No. 120 (JCM)

Ms. Julia Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it
does not access a State roadway and is not effected by any State Highway Administration
projects.

Please contact David Ramsey at 410-333-1359 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
David Ramsey 10/19/92
John Contestabile, Chief
Engineering Access Permits
Division

RECEIVED
OCT 9 1992
ZONING OFFICE

My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0481 D.C. Metro - 1-800-482-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 14, 1992

FROM: Ervin Mc Daniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee
(October 13, 1992)

The Office of Planning and Zoning has no comments on the following petitions:

✓ Florence W. Bruhl, Item No. 119
✓ Brian Scott Sibrea, Item No. 120

If there should be any further questions or if this office can provide additional
information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *Francis Morsey*

Division Chief: _____

ENC/D/FN:rdn

119.ZAC/ZAC1

Rec'd 10/21/92

DPW/Developers Engineering Division 10/19/92
Development Review Committee Response Form
Authorized signature *David Ramsey* Date *10/19/92*

| File Number | Project Name | Waiver Number | Zoning Issue | Meeting Date |
|---------------------|----------------------------------|---------------|--------------|--------------|
| DED DEPRM RP STP TE | Satyr Limited Partnership | 115 | N/C | 10-13-92 |
| DED DEPRM RP STP TE | Wiseburg United Methodist Church | 116 | W/C | |
| DED DEPRM RP STP TE | First United Pentecostal Church | 117 | N/C | |
| DED DEPRM RP STP TE | Florence Wise Bruhl | 119 | N/C | |
| DED DEPRM RP STP TE | Brian Scott and John E. Sibrea | 120 | N/C | |

COUNT 5
Stonegate at Patapsco (Azeal Property) 6-1-92
90476 ZON DED TE (Waiting for developer to submit plans first)

COUNT 1
Sudbrook Associates 106 9-28-92
STP TE

COUNT 1
FINAL TOTALS
COUNT 7
*** END OF REPORT ***

Rec'd 10/21/92

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: BRIAN SCOTT SIBREA AND JOHN E. SIBREA
Location: #1004 OVERBROOK ROAD
Item No.: *120 (JCM) Zoning Agenda: OCTOBER 13, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Planning Group
Special Inspection Division

JP/KER

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature: [Signature] Date: 10/19/92

| Project Name | Waiver Number | Zoning Issue | Meeting Date |
|------------------------------------|---------------|--------------|--------------|
| ✓ Satyr Limited Partnership | | 115 | 10-13-92 |
| DED DEPRM RP STP TE | | No Comment | |
| ✓ Wiseburg United Methodist Church | | 116 | |
| DED DEPRM RP STP TE | | No Comment | |
| ✓ First United Pentecostal Church | | 117 | |
| DED DEPRM RP STP TE | | No Comment | |
| ✓ Florence Wise Bruehl | | 119 | |
| DED DEPRM RP STP TE | | No Comment | |
| ✓ Brian Scott and John E. Sibrea | | 120 | |
| DED DEPRM RP STP TE | | No Comment | |

COUNT 5
FINAL TOTALS
COUNT 5
*** END OF REPORT ***

Rec'd
10/21/92

W

Department of Environmental Protection & Resource Management
Development Review Committee Response Form
Authorized signature: [Signature] Date: 10/20/92

| Project Name | Waiver Number | Zoning Issue | Meeting Date |
|------------------------------------|---------------|--------------|--------------|
| ✓ Satyr Limited Partnership | | 115 | 10-13-92 |
| DED DEPRM RP STP TE | | In process | |
| ✓ Wiseburg United Methodist Church | | 116 | |
| DED DEPRM RP STP TE | | In process | |
| ✓ First United Pentecostal Church | | 117 | |
| DED DEPRM RP STP TE | | No comments | |
| ✓ Florence Wise Bruehl | | 119 | |
| DED DEPRM RP STP TE | | In process | |
| ✓ Brian Scott and John E. Sibrea | | 120 | |
| DED DEPRM RP STP TE | | No comments | |

COUNT 5
April L. and Wayne M. Rother
DED DEPRM RP STP TE 118 10-19-92 NO COMMENTS
York Stevenson Limited Partnership
DED DEPRM RP STP TE 121 In process
Cheryl Cronin
DED DEPRM RP STP TE 122 No comments
Operating engineers Local No. 37
DED DEPRM RP STP TE 123 In process
Baltimore Gas And Electric Company
DED DEPRM RP STP TE 124 In process
St Paul's Boy's and Girls school of St. Paul's Parish
DED DEPRM RP STP TE 125 In process
Melvin N. and Debbie G. Kramer
DED DEPRM RP STP TE 126 NO COMMENTS
In process

Office of DIRECTOR OF ASSIGNMENT
Circuit Court For Anne Arundel County
Post Office Box 2395
Court House, Church Circle
Annapolis, Maryland 21404-2395
Phone: (410) 222-1422/1423
Washington 970-9250 x-1422
NOTICE OF HEARING / TRIAL Case number: 1-92-03617.10
Old Case number:
CIVIL

CHRISTINE E. RICHTER vs. RICHARD F. RICHTER

STATE OF MARYLAND, ANNE ARUNDEL COUNTY, TO WIT:

at JOHN E. SIBREA, ESQ.
COURT TOWERS, STE. 690
210 W. PENNSYLVANIA AVE.
TOWSON MD 21204

You are hereby NOTIFIED TO APPEAR before the Judges of the:

CIRCUIT COURT
Anne Arundel County
Church Circle
Annapolis, MD 21404-0006
Court date:
16th day of DECEMBER, 1992
At: 09:30AM
HRS: RESET MERIT

LEASE NOTE: All counsel are expected to confer with each other with regard to the assigned trial date and to advise the court and other parties of any pre-existing conflict promptly.

Application for postponement must be made in writing with copies to all attorneys.

Please report Jury cases settled prior to 4:00 pm of day before trial to Assignment Clerk.

Please refer to Assignment Bulletin Board for Court Room Designation.

If pre-trial conference is required, please address a formal request to this office.

Very truly yours,

Barbara M. Hantske
Director of Assignment

ate Issued: 10/15/92



Zoning Enforcement

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: W. Carl Richards
Zoning Coordinator
DATE:
FROM: James H. Thompson - TLF
Zoning Enforcement Coordinator
RE: Item No. 120
Petitioner: John Ernest Sibrea
Brian Scott Sibrea

VIOLATION CASE NO.: C-92-2990
LOCATION OF VIOLATION: 1004 Overbrook Avenue
DEFENDANT: John Ernest Sibrea
Brian Scott Sibrea
ADDRESS: 1004 Overbrook Road
Baltimore, Maryland 21212

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

| NAME | ADDRESS |
|-----------------|---|
| Dorothy Pouring | 250 W. Pratt Street, Suite 900 Baltimore, Maryland 21201 |

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

JHT/TLF/cer

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOVEMBER 10, 1992

John E. Sibrea, Esq.
Sibrea & Bloom
210 W. Pennsylvania Avenue, Suite 690
Towson, Maryland 21204

Re: CASE NUMBER: 93-113-A

Dear Petitioners:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case.

As you recall, this matter must now go through the regular hearing process; the property must be reposted and notice of the hearing will be placed in the Jeffersonian newspaper. You will be billed for the reposting and advertising costs.

Formal notification of the hearing date will be forwarded to you shortly.

Very truly yours,

[Signature]
Lawrence E. Schmidt
Zoning Commissioner
Baltimore County, Maryland

Printed on Recycled Paper

111 West Chesapeake Avenue
Towson, MD 21204

OCT. 8 1992

(410) 887-3353

Brian Sibrea and John Sibrea
1004 Overbrook Road
Towson, Maryland 21204

Re: CASE NUMBER: 93-113-A
LOCATION: NW/4 Overbrook Road, 118' SE of c/l Beachwood Road
1004 Overbrook Road
9th Election District - 4th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before October 25, 1992. The closing date is November 9, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

[Signature]
Lawrence E. Schmidt
Zoning Commissioner, Baltimore County

10-21-92
cc: John Sibrea / 210 W Penna Ave # 690 / Towson 21204
Dorothy Pouring / 250 W Pratt # 900 / Balto MD 21201

Printed on Recycled Paper

1006 OVERBROOK ROAD
BALTIMORE, MD. 21239
NOVEMBER 08, 1992

MR. LAWRENCE SCHMIDT, ZONING COMM.

111 W. CHESAPEAKE AVENUE
TOWSON, MD. 21204

RE: CASE #93-113-A

DEAR MR. SCHMIDT:

AS THE NEXT DOOR NEIGHBOR OF THE RESIDENT AT 1004 OVERBROOK ROAD, I FEEL COMPELLED TO RECORD MY OPPOSITION TO ANY FURTHER EXPANSION OF THE ALREADY TOO LARGE GARAGE LOCATED AT THE REAR OF THE PROPERTY.

THE BUILDING WAS ORIGINALLY A ONE-STORY STRUCTURE AND WAS USED TO GARAGE THE OWNERS PERSONAL VEHICLE. ACCORDING TO THE OCCUPANT, IT WILL NOW BE USED TO STORE A COLLECTION OF AUTOMOBILES AND ACCESSORY ITEMS. WHEN THE ORIGINAL BUILDING WAS ALTERED, THE DIMENSIONS WERE INCREASED AND A SECOND STORY WAS ADDED. THIS BUILDING ABUTS THE PROPERTY LINE IN MY BACK YARD, AND HAS NEVER BEEN FINISHED; CELOTEX IS STILL THE ONLY EXTERIOR COVER.

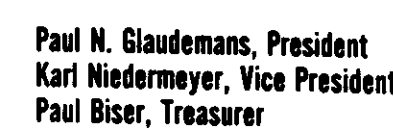
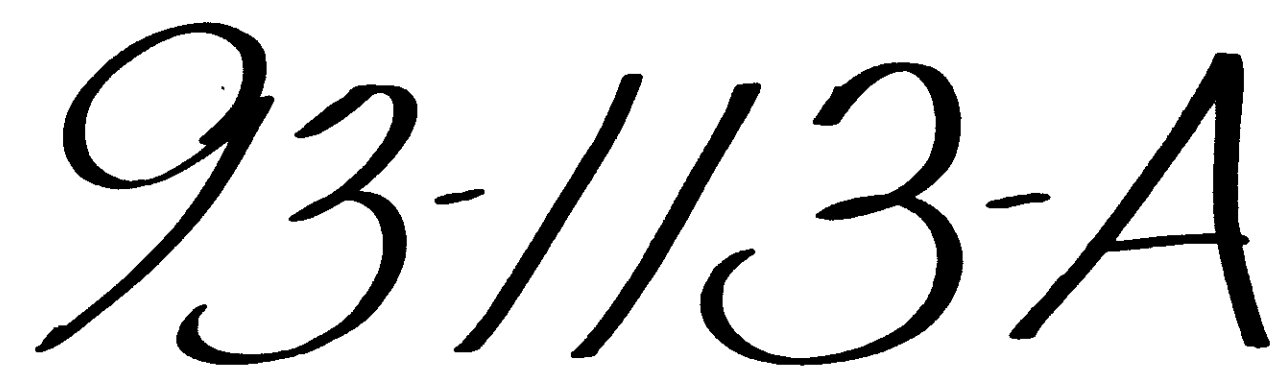
I CAN SEE NO NECESSITY TO INCREASE THE SIZE OF THIS STRUCTURE UNLESS IT IS TO BE USED FOR A PURPOSE OTHER THAN THAT STATED, (COMMERCIAL PERHAPS?) WHICH MAY REQUIRE FURTHER INSPECTION BY YOUR OFFICE. IT IS ALREADY LARGER THAN SIMILAR STRUCTURES IN THIS RESIDENTIAL AREA.

THANK YOU FOR CONSIDERING MY VERY REAL CONCERNS WITH REFERENCE TO THE PROPOSED VARIANCE ON THIS PROPERTY.

SINCERELY,

[Signature]
ANNE B. KELLY
OWNER/OCCUPANT AT 1006 OVERBROOK

RECEIVED
NOV 9 1992
ZONING OFFICE



December 22, 1992

Baltimore County Office of Zoning Administration
and Development Management
111 West Chesapeake Ave.
Towson, MD 21204

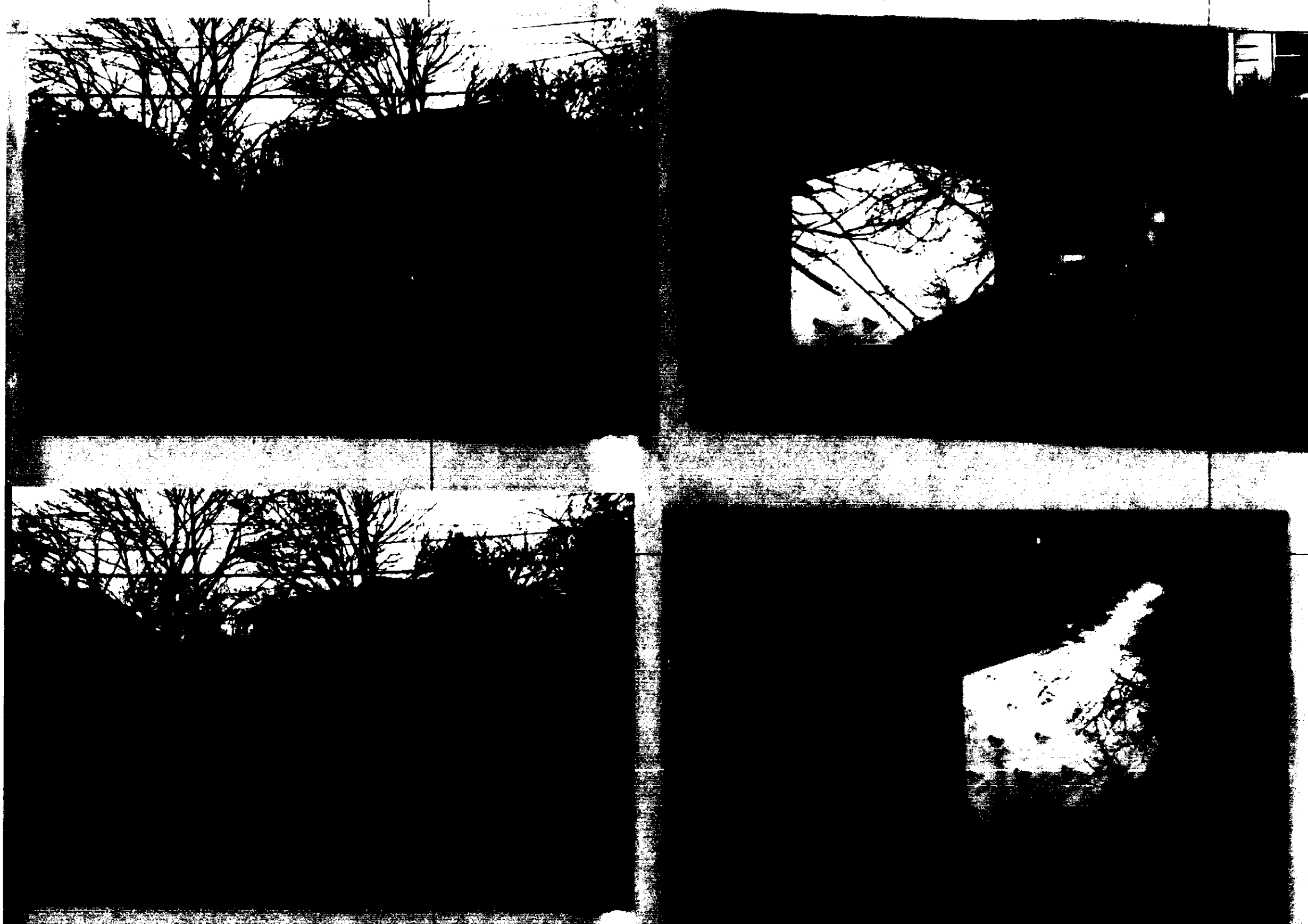
To whom it may concern:

The Officers and Board members of the Idlewyde Community Association, Inc. recognize Karl Niedermeyer as our representative in CASE NUMBER 93-113-A (request for variance at 1000 Overbrook Road). As our Association is dedicated to the betterment of the well being of our community, we respectfully request that the granting of any variances be carefully considered in their effect to the community as a whole.

Respectfully,

Paul M. Glaudemans
President

Protestants
No 1



Protestant's
Exhibits 2A-2O
Case 93-113-A

N 24,000

N-SW

1988 COMPREHENSIVE ZONING MAP
Adopted by Council on June 13, 1988

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
IDLEWYLDE
HILLENDALE

N 24,000
SHEET
N. E.
7-8

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S Overbrook Road, 118' SE of * ZONING COMMISSIONER
the c/l of Beechwood Road * OF BALTIMORE COUNTY
(1004 Overbrook Road) *
4th Election District * Case No. 93-113-A
4th Councilmanic District *
Brian Scott Sibrea, et al *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance filed by the owners of the subject property, Brian S. Sibrea, and his father, John E. Sibrea. The Petitioners request relief from Sections 102.1, 1801.1A and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a garage addition with a height of 18.3 feet in lieu of the permitted 15 feet. Also requested is a similar variance for the existing garage, which at 15.3 feet in height, is slightly over the permitted limit of 15 feet. The relief sought is more particularly described on Petitioner's Exhibit 1, the plat to accompany the Petition for Zoning Variance.

Appearing on behalf of the Petitioners were John E. and Brian S. Sibrea, co-owners of the property. The Petitioners were represented by William M. Hesson, Jr., Esquire. Appearing as Protestants in the matter were Karl E. and Regina M. Niedermeyer, nearby residents of the area. Correspondence in opposition to the relief requested was also received from other property owners in the subject locale as well as the Idlewyde Community Association.

Testimony indicated that the subject property, known as 1004 Overbrook Road, consists of 7,200 sq.ft., zoned D.R. 5.5 and is improved with an existing dwelling and a detached garage. The Petitioners filed

the instant Petition as a result of a complaint filed with the Zoning Administration Office concerning an addition to the subject garage. Testimony indicated that the Petitioners commenced construction of a 20' x 18' addition to the existing garage in approximately June 1992 without benefit of a building permit. Upon receipt of the complaint filed, a Zoning Inspector and a Building Inspector visited the site and determined that both the existing garage and the proposed addition exceeded the height limitations of Section 400.3 of the B.C.Z.R.

John Sibrea testified that he is co-owner of the property with his son, Brian, who resides in the dwelling thereon. He testified that the existing garage has been on the property for many years, and existed prior to his acquisition of the property in 1989. Thus, the variance for the existing garage is necessary to legitimize a condition which has existed for many years. Testimony indicated that the proposed addition is needed in order to provide more storage space for household items and to accommodate their personal and antique automobiles. Mr. Sibrea testified that he and his son collect antique cars for investment purposes and that they currently store two on the property. One is a 1967 Mustang and the other is a Thunderbird which requires additional height clearance for a removable top. Mr. Sibrea also noted that the property is severely terraced; that the topography of the land is such that the subject lot is lower than the adjacent properties, as evidenced in photographs submitted and marked Petitioner's Exhibits 2A through 2G. This terraced topography reduces the visual impact of the height of the garage and addition. Testimony indicated that the proposed addition will have electric, but will not have sewer or water facilities, and will have no windows. The Petitioners testified that without the relief requested, they will not be able to use

- 2 -

the garage for storage purposes as intended. Brian Sibrea testified that he was unaware of any height limitations and did not know a building permit was necessary to add onto the existing structure. Thus, he explained, he started construction of the addition without a permit and apologized for his error.

Karl Niedermeyer testified in opposition to the relief requested. Mr. Niedermeyer believes that the construction of the proposed addition is inconsistent with the character of the surrounding residential community. He fears increased traffic congestion, a negative effect caused by this addition on property values in the community, and that the granting of this variance will establish a bad precedent. Mr. Niedermeyer testified that he believes the Petitioners conduct a commercial venture on the site and that any hardship is self-imposed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

- 3 -

It is to be particularly noted that the construction of the addition to the existing garage is permissible at law. That is, the variance requested only relates to the height of the existing garage and proposed addition, both of which are over the 15-foot height restriction. However, both the garage and its addition, in and of themselves, at a height of 15 feet or less, would be permitted as of right. The testimony and evidence presented by the petitioners was that the heights of the existing garage and proposed addition were necessary to accommodate the storage of antique vehicles and household items due to the lack of adequate storage space within the existing dwelling. This testimony provides sufficient evidence of practical difficulty to grant the variances. The objections of the community primarily relate to the structures themselves. As noted above, they are permissible under the regulations, but for the height limitation. Thus, much of the community's opposition is not relevant to the issue presented.

Notwithstanding my decision to grant the variances requested, I am appreciative of the community's concerns regarding the use of this property. Under the B.C.Z.R., I am permitted to impose certain restrictions with the grant of any variance to insure that the public welfare is not adversely affected. Thus, I shall impose certain restrictions relating to the use of this property to protect the public health, safety and general welfare.

After due consideration of all of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the structure which is the subject of this variance request and that the require-

- 4 -

ments from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of March, 1993 that the Petition for Zoning Variance requesting relief from Sections 102.1, 1801.1A and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a garage addition with a height of 18.3 feet in lieu of the permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) There shall be no commercial use of the subject garage and its addition. No commercial service garage work shall be performed on the premises and no office or similar use of the garage and its addition shall be permitted. Any work on the vehicles owned by the Petitioners shall be performed only between the hours

of 7:00 AM to 8:00 PM, Monday through Friday, and 9:00 AM to 9:00 PM on Saturdays and Sundays, so as to minimize noise and any adverse effects on adjoining property owners.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

5) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 10, 1993

William M. Hesson, Jr., Esquire
210 W. Pennsylvania Avenue, Suite 690
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
NE/S Overbrook Road, 118' SE of the c/l of Beechwood Road
(1004 Overbrook Road)
9th Election District - 4th Councilmanic District
Brian S. Sibrea, et al - Petitioners
Case No. 93-113-A

Dear Mr. Sibrea:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Karl E. Niedermeyer
6303 Banbury Road, Towson, Md. 21204

People's Counsel

file

Petition for Administrative Variance 93-113-A to the Zoning Commissioner of Baltimore County for the property located at 1004 Overbrook Road, Towson, Maryland 21204 which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 102.1, 1801.1A, 400.3 to permit an addition to an accessory building, a new addition to the garage to be approximately 18.3 feet in height, in lieu of the permitted (15 feet) (the existing structure is 15.7 feet)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. The proposed garage addition will be attached to the front of the existing garage, not to the rear, therefore, facing the residence and not the neighbor's property.
2. Although the new garage is 18.3 feet in height, it will be blend with the area because of the terracing and surrounding dwellings and accessory structures.

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
Type or Print Name
Signature
Address
City
State
Zip Code
Attorney for Petitioner
Type or Print Name
Signature
Address
City
State
Zip Code
Name
Address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address and phone number of legal owner, contract purchaser or representative to be contacted

A Public Hearing has been requested and/or held to be required. It is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, 1993, that the public hearing, if required, be held on the _____ day of _____, 1993, at _____ o'clock of the day, at _____, Baltimore County, Maryland, and that the property be open to public inspection throughout Baltimore County, and that the property be open to public inspection throughout Baltimore County, and that the property be open to public inspection throughout Baltimore County.

RECEIVED BY: JCM DATE: 10-1-92
ESTIMATED POSTING DATE: 10-15-92
ITEM #: 120

NOVEMBER 27, 1992

NOTICE OF POSTPONEMENT

CASE NUMBER: 93-113-A
PETITIONER(S): Brian Scott Sibree and John E. Sibree
LOCATION: 1004 Overbrook Road

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON DECEMBER 16, 1992,
HAS BEEN POSTPONED AT THE REQUEST OF JOHN E. SIBREE, ATTORNEY FOR
PETITIONERS.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Arnold Jablon

Arnold Jablon
Director

cc: John and Brian Sibree
Dorothy Pouring
Anne B. Kelly
Idlewyde Community Association, Inc.

AJ:ggg

DECEMBER 2, 1992

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 93-113-A
LEGAL OWNER: Brian Scott Sibree and John E. Sibree
LOCATION: 1004 Overbrook Road

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

THURSDAY, JANUARY 7, 1993 at 9:00 a.m.

IN THE BALTIMORE COUNTY COURTHOUSE, ROOM 119, 400 WASHINGTON AVENUE,
TOWSON, MARYLAND 21204.

Laurence E. Schult
Laurence E. Schult

ZONING COMMISSIONER
BALTIMORE COUNTY

cc: John and Brian Sibree
Dorothy Pouring
Anne B. Kelly
Idlewyde Community Association, Inc.

John E. Sibree, Esquire
Sibree & Bloom
210 W. Pennsylvania Avenue, Ste. 690
Towson, MD 21204

RE: Item No. 120, Case No. 93-113-A
Petitioner: Brian Scott Sibree, et al
Petition for Administrative Variance

Dear Mr. Sibree:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans
submitted with the above referenced petition. The attached comments
from each reviewing agency are not intended to indicate the
appropriateness of the zoning action requested, but to assure that all
parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are
made aware of plans or problems with regard to the proposed
improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC
that offer or request information on your petition. If additional
comments are received from other members of ZAC, I will forward them
to you. Otherwise, any comment that is not informative will be placed
in the hearing file. This petition was accepted for filing on the
date of the enclosed filing certificate and a hearing scheduled
accordingly.

The following comments are related only to the filing of future
zoning petitions and are aimed at expediting the petition filing
process with this office.

1) The Director of Zoning Administration and Development
Management has instituted a system whereby seasoned zoning
attorneys who feel that they are capable of filing petitions that
comply with all aspects of the zoning regulations and petitions
filing requirements can file their petitions with this office
without the necessity of a preliminary review by Zoning personnel.

Your petition has been received and accepted for filing this
1st day of October, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Rebeck
Chairman,
Zoning Plans Advisory Committee

Petitioner: Brian Scott Sibree, et al
Petitioner's Attorney: John E. Sibree

DPW/Developers Engineering Division (Public Services) 10/19/92
Development Review Committee Response Form
Authorized signature *David Ramsey* Date *10/19/92*

| File Number | Project Name | Waiver Number | Zoning Issue | Meeting Date |
|---------------------|----------------------------------|---------------|--------------|--------------|
| DED DEPRM RP STP TE | Satyr Limited Partnership | 115 | 10-13-92 | Comment |
| DED DEPRM RP STP TE | Wiseburg United Methodist Church | 116 | | Comment |
| DED DEPRM RP STP TE | First United Pentecostal Church | 117 | | Comment |
| DED DEPRM RP STP TE | Florence Wise Bruhl | 119 | | NC |
| DED DEPRM RP STP TE | Brian Scott and John E. Sibree | 120 | | NC |

COUNT 5
Stonegate at Patapsco (Azeal Property) 6-1-92
90476 ZON DED TE (Waiting for developer to submit plans first)

COUNT 1
FINAL TOTALS
COUNT 6
*** END OF REPORT ***

Rec'd 10/21/92

SHA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Re: Baltimore County
Item No. 120 (JCM)

Ms. Julia Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it
does not access a State roadway and is not effected by any State Highway Administration
projects.

Please contact David Ramsey at 410-333-1359 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
David Ramsey 10/19/92
John Contestabile, Chief
Engineering Access Permits
Division

RECEIVED
OCT 9 1992
ZONING OFFICE

My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0481 D.C. Metro - 1-800-482-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 14, 1992

FROM: Ervin Mc Daniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee
(October 13, 1992)

The Office of Planning and Zoning has no comments on the following petitions:

✓ Florence W. Bruhl, Item No. 119
✓ Brian Scott Sibree, Item No. 120

If there should be any further questions or if this office can provide additional
information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *Francis Morsey*

Division Chief: _____

ENC/D/FN:rdn

119.ZAC/ZAC1

Rec'd 10/21/92

DPW/Developers Engineering Division 10/19/92
Development Review Committee Response Form
Authorized signature *David Ramsey* Date *10/19/92*

| File Number | Project Name | Waiver Number | Zoning Issue | Meeting Date |
|---------------------|----------------------------------|---------------|--------------|--------------|
| DED DEPRM RP STP TE | Satyr Limited Partnership | 115 | N/C | 10-13-92 |
| DED DEPRM RP STP TE | Wiseburg United Methodist Church | 116 | W/C | |
| DED DEPRM RP STP TE | First United Pentecostal Church | 117 | N/C | |
| DED DEPRM RP STP TE | Florence Wise Bruhl | 119 | N/C | |
| DED DEPRM RP STP TE | Brian Scott and John E. Sibree | 120 | N/C | |

COUNT 5
Stonegate at Patapsco (Azeal Property) 6-1-92
90476 ZON DED TE (Waiting for developer to submit plans first)

COUNT 1
Sudbrook Associates 106 9-28-92
STP TE

COUNT 1
FINAL TOTALS
COUNT 7
*** END OF REPORT ***

Rec'd 10/21/92